

COUNCIL MINUTES
SEPTEMBER 25, 2013

The City Council held a meeting on Wednesday, September 25, 2013, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Leisure Services Director Dan Rodgerson; Public Works Director Ryan Marshall.

OTHERS PRESENT: Danielle Marshall, Morgan Sharp, Betsy Carlile, Jack Hill, Tom Jett, Melodie Jett, Judy Higbee, Bonnie Hallman, Bev Burgess, Maile Wilson, R. Scott Phillips, Ed Weaver, Marlyn L. Sexton, Brett Dickison, Bailey DeRoest, Cindy Baldwin, Matthew Coates, Todd L. Lloyd, Georgia B. Thompson, Greyson Jones, Camilla Christiansen, Dillon Rosdahl, Rick Lunt, Fred Rowley, Kevin Davis, Jeremiah R. Davis, Charles Hammon.

CALL TO ORDER: Councilmember Black gave the opening prayer; the pledge of allegiance was led by Councilmember Barnes.

AGENDA ORDER APPROVAL: Councilmember Adams moved to approve the agenda order; second by Councilmember Black; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Black – in the academy there are credentials that may lead to a treatment center as well as schooling, can Paul look into that to see if that will provide some protection to the residents. ■Barnes – the recycling, have we heard anything? Rick – I have left a phone message, I will go to their office tomorrow. Mayor – I have heard from more than one source they are going out of business. Barnes – what happens to the binnies? Mayor – they will take the recycling to Washington County, but we will have to renegotiate the contract. We will have to make a decision within the next week or so. Tom Jett – I spoke to the owner of the property last week, he said they are out of business and they are hauling their resources to Las Vegas. There are signs they say out of business. Barnes – I understand there are local businesses that may be interested. Rick – we can talk to them about the cardboard and glass. ■Cozzens – on the off- site advertising, where are we on that? Rick – I will check with Larry, I asked him to follow up on that. Cozzens – what is our policy on Code Enforcement, do they call when they see signs and let them know it is against City Ordinance? I would like them to be more proactive. Paul – the sign ordinance is part of the zoning ordinance and there is a criminal penalty for violating the zoning ordinance. Mayor – we do take down the yard sale signs, but we don't on private property. ■Barnes – Kudos to Brennan's Department for getting the grant. Mayor – we applied for a grant to help us extend the apron to go

PROPERTY LOCATED IN THE VICINITY OF 200 WEST FROM COLLEGE AVENUE TO 200 SOUTH – JACKIE JACKSON & BONNIE HALLMAN: Mayor – last week there was an exclusion which is the church property.

Bonnie Char Hallman and Judy Hickman - Thank you for your time and guidance along the process. We are asking the council to move forward and follow the Planning Commission recommendation. Our objective has been to limit high density housing and by excluding the church that can be located anywhere, you are leaving it open to high density housing and that is what we want to overcome to maintain a historic district. Judy – I would request without exceptions. Adams – where is Scott Spooner's property located? Bonnie – mid block. Judy – I think it is 141 South. Bonnie – although he wanted exclusion the Planning Commission moved the zone change forward. As City leaders you have to make hard decisions for the greater good of the community. This is one of those times, and property values can be subjective, by changing the zone and recognize a historic district could add value also. Historic districts do increase property values also. Judy – over time it is true, but with that property it is very small, it is not as deep as the others. Mayor – did he formally request like the Leavitt's and the Church? Bonnie – not formally, he just stated his objection in the Planning Commission meeting. The Planning Commission did not object to the LDS Church. Adams – who has the bed and breakfast and where is it located? Bonnie – 161 and it is Mary Beth Cook. Adams – that is Scott's new comment as of today, he may not be able to build a bunch of apartments, but has thought about a bed and breakfast and you cannot have one in an R-2, and the one there will be grandfathered in. He has settled on the apartment, but feels the property is not near comparison to the others as far as being a historical property; it is not in that great of a condition. Judy – that home is not big enough for a bed and breakfast. Bonnie – we appreciate taking into consideration that view point, we hope the church will be a good neighbor and if they don't build not sell for apartments. Mayor – I would hope they would donate to the University. Cozzens – when someone buys a property in a certain zone, I don't like to change their zone. I commend you for your efforts. Judy – we were R-2 and there is one person that has a business and apartments and they changed the zone for them. That was in the 50's. Adams – was there opposition then? Judy – no, but people didn't think about that. It is fine, but things evolve when people want to make things better. Barnes – I appreciate the concerns, but they are not here.

Councilmember Barnes moved to approve the ordinance changing the zone from R-3 to R-2 on property in the vicinity of 200 West from College Ave. to 200 South as shown on the map (see Exhibit "A"); second by Councilmember Marchant; roll call vote as follows:

Ron Adams	-	AYE
Nina Barnes	-	AYE
John Black	-	AYE
Paul Cozzens	-	NAY
Don Marchant	-	AYE

CONSIDER APPROVING AN ORDINANCE CHANGING THE ZONE FROM CENTRAL COMMERCIAL (CC) TO RESIDENTIAL-3 MULTI DWELLING (R-

3-M) ON PROPERTY LOCATED IN THE VICINITY OF 2620 N. COMMERCE CENTER DRIVE – EXCEL DESIGN ASSOCIATES : Charles Hammon - between now and when we met last week we are still working on the second access. We are working with the neighbors. We would like approval for the zone change and give us more steam to help us make more decisions for the second access. We would be in the position to make financial decisions.

Councilmember Adams moved to approve the ordinance changing the zone from CC to R-3M on property in the vicinity of 2620 N. Commerce Center Drive; second by Councilmember Barnes; roll call vote as follows:

Ron Adams	-	AYE
Nina Barnes	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

CONSIDER APPROVING AN ORDINANCE CHANGING THE ZONE FROM GENERAL COMMERCIAL (GC) TO RESIDENTIAL-2 TWO DWELLING (R-2-2) ON PROPERTY LOCATED IN THE VICINITY OF 4060 WEST 300 NORTH – ROBERT ARCHIBALD: Councilmember Adams moved to approve the ordinance changing the zone from GC to R-2-2 on property in the vicinity of 4060 West 300 North; second by Councilmember Black; roll call vote as follows:

Ron Adams	-	AYE
Nina Barnes	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

APPROVE AN ORDINANCE AMENDING CHAPTER 23 OF THE CEDAR CITY ORDINANCES, BUSINESS LICENSES, RELATED TO THE LICENSING OF RETAIL TOBACCO SPECIALTY BUSINESSES. PAUL BITTMENN:

Councilmember Black moved to approve the ordinance amending Chapter 23 related to the licensing of retail tobacco specialty businesses; second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
Nina Barnes	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

CONSIDER APPROVING A LEASE AGREEMENT FOR THE CEDAR RIDGE PRO SHOP. PAUL BITTMENN: Mayor – we had a couple of changes we got to you today. Dan – as we studied different arrangements, the number one employer is Salt

Lake County, they put all golf pros on salary, the second is St. George and they made all independent contractors, when we met with the PGA each had challenges. We want to have the Pro on salary and then have an agreement on the pro shop. There are two small changes, it was ambiguous on the percentage, we wanted to mirror St. George if the Pro made \$75,000 4% would come back to the City. That means that if the Pro does well a percentage would come back to the city. Don – where did we get the 4%. Dan – that was what St. George did. The second is on the concessions, I have been to you a few times this year with the Pool and Cross Hollows, they don't make a lot of money. He asked that we consider blend the staff at the Golf Course and not have distinction between the pro shop and concessions. We have an opportunity to make revisions. In reality it has been the Pro that has operated the concessions stand but it has been the Pro and his family. Jared Barnes asked if he could utilize staff to work in the concession stand and we would revenue share. Marchant – employees of the Pro Shop would be City employees not his employees? Dan – they have been over the past 10 years. He would buy the product and then we revenue share. Cozzens – what is the revenue share? Dan – 20%, he is paying rent and part of the utilities. He has a unique twist and would throw some back to the City. Black – I would like one sentence out, bottom of page 3 that we maximize the use of public funds. Dan – that is fair. Black – how are we handling instruction? Dan – the Pro keeps 100% of his instruction, but we get 20% of group lessons. Black – he can make money on city time. Black – he can earn money at our course. Our premise all along would be to grow our youth golf, as he attempts to do that why 20%. Black – the Golf Course has been its own entity, this allows Leisure Services to help market this. Black – is it an incentive to take 20% of what he does. Dan – when we looked at a compensation package, we had rent, salary, lessons and clinic that were variable as well as club storage and repair. We want him to make a living while working here. We can higher or lower rent, it is a moving target. He is a city employee that is on salary and we are taking 20% of junior golf. Black – where does the other 80% go? Dan – to the Professional, that is what we have done for the past 10 years. He may employ others through his responsibility to help with those programs. Barnes – that is something that the focus groups have wanted. We need to incentive both. We do subsidize, I think some revenue should come back. Black – all employees will be City employees. The restrooms have been an age old complaint; city employees will be assigned those duties. Dan – we budgeted \$8,500 to make repairs and wrote a grant through tourism and got another \$7,500 and so we will be making improvements, a new pro, a new look and we will see some great changes. Marchant – are plans drawn for the repairs? Dan – no, we wanted to Pro to be part of that. Dan – the contract has been a moving target, but it is hard to extend the offer without a contract. Marchant – has he reviewed and agreed? Dan – yes, it is a negotiation. Mayor – the changes are the negotiation. Dan – he wanted other changes, but we felt this was fair. Adams – the reference the employees, that is the staff he will have in the pro shop, we are not cross training lawn mowers to cook hamburgers? Dan – no. Mayor – we were trying to come up with an estimated dollar amount for any golf pro we got out there and we wanted to incentivize them with salary and benefits they will have to work for. Some is subjectable, and John has been part of this and we tried to come up with something we can entice a good quality Pro.

Georgia Beth Thompson – I am concerned about City employees working in the snack shop. I would want to look at the equity, he may be giving private lessons and making extra money at that time, I would not want employees put out. Mayor – all but one aspect has been done for 10 years. Georgia – I have problem with public and private funds.

Judy Hickman – as a lady golfer I spend a lot of time at the golf course. We have a beautiful golf course. I think you will make money, I travel a lot and play golf other places, if we charge a resident and non-resident fee you will make money. Also if you did a concession that was not related to the City and took a percentage you would not have to pay employees. It is a beautiful course, even with the prairie dogs.

Barnes – with the new pro, will the outcome of the focus group be put in the job description. Rick – yes.

Councilmember Barnes moved to approve a lease agreement with the Pro for the Cedar Ridge Pro Shop with the alterations stated; second by Councilmember Black; vote unanimous.

ADJOURN: Councilmember Marchant moved to adjourn at 6:30 p.m.; second by Councilmember Black; vote unanimous.

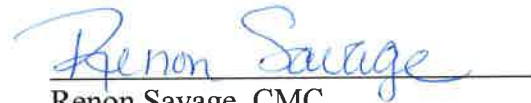

Renon Savage, CMC
City Recorder



EXHIBIT "A"
SEPTEMBER 25, 2013

